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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
LE, LANA N

ART UNIT	PAPER NUMBER
2685	7

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,839	REED, ROBERT R.	
	Examiner	Art Unit	
	Lana Le	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-9* is/are allowed.

6)☒ Claim(s) *10-12 and 18-21* is/are rejected.

7)☒ Claim(s) *13-17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6 4*
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 10-12, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colonna et al (US 6,115,620) in view of Courtecuisse (FR 2,679,086).

Regarding claim 10, Colonna et al discloses a wireless communication handset, comprising: first and second rotatably coupled housing portions 204 and 202; the wireless communication handset in a standby mode when the first and second housing portions are rotated to a standby angular configuration, the wireless communication handset in a call mode when the first and second housing portions are rotated from the standby angular configuration to a call angular configuration, the wireless communication handset performing a first function when the first and second housing portions are rotated to a first function angular configuration between the standby and call angular configurations.

Colonna et al fails to further disclose: the first and second housing portions rotatable in corresponding first and second substantially parallel planes. Courtecuisse further disclose the first and second housing portions rotatable in corresponding first and

second substantially parallel planes (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element of Courtecuisse in order to gain access to more functions by circularizing around a wider range of angles of 0 to 360 instead of just 180 degrees.

Regarding claim 11, Colonna et al further discloses the wireless communication handset of Claim 10, the wireless communication handset performing a second active mode function when the first and second housing portions are rotated to a second angular configuration between the standby call angular configurations (col 5, lines 25-31).

Regarding claim 12, Colonna et al further discloses the wireless communication handset of Claim 10, the first and second housing portions are at least partially overlapping in the standby angular configuration, the first and second housing portions are separated by approximately 180 degrees when the first and second housing portions are in the call angular configuration (col 4, lines 5-15).

Regarding claim 18, Colonna et al discloses a method in a communication handset 100 having a housing element 204 flipably coupled to a housing 202 (fig. 3), comprising:

transitioning the communication handset from a stand-by operating mode to an active operating mode by flipping the cover relative to the housing 202 from a standby mode position to a first active mode (private) position (col 3, line 60 - col 4, line 5; col 6, lines 35-44);

invoking a first function of the communication handset by flipping the cover to a position different than the active mode and standby mode positions (col 5, line 25-41);

transitioning the communication handset to the stand-by mode to the standby mode position from some other position (col 4, lines 15-28, col 6, lines 35-44). Colonna et al didn't further disclose a blade rotatably in a plane relative to the housing. Courtecuisse further discloses a housing element 28 rotatable in a plane (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element or any rotating blade/cover of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element or other design choices around a pivot point at a wider range of available angles for more access to more functions instead of opening/closing the flip cover at a lower range of available angles.

Regarding claim 19, Colonna et al further discloses the method of Claim 18, invoking a second function of the communication handset by flipping the housing element 204 to a second position (col 5, lines 25-41) wherein Courtecuisse further discloses a rotating housing element 28 (fig. 3).

Regarding claim 20, Colonna et al further discloses the method of Claim 19, indicating the position of the housing element relative to the housing by providing a physical sensation when the blade/housing element 204 is in the respective positions (col 6, lines 30-33).

Regarding claim 21, Colonna et al discloses a wireless communication handset 100, comprising:

first and second flipably coupled housing portions 202 and 204, the first and second housing portions flipable in corresponding first and second substantially parallel planes (in 180 degrees angle);

the wireless communication handset in a first operating mode when the first and second housing portions are moved to a first angular configuration (col 3, lines 60 -col 4, line 5), the wireless communication handset in a second operating mode when the first and second housing portions are moved to a second angular configuration (col 5, line 25-41), the wireless communication handset in a third operating mode when the first and second housing portions are rotated to a third angular configuration (col 6, lines 35-44). Colonna et al didn't further disclose a first and second rotatably coupled housing portions. Courtecuisse further discloses a first and second rotatably coupled housing portions (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element or any rotating housing portions of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element or other design choices around a pivot point at a wider range of available angles for more access to more phone function sets instead of opening/closing the flip cover at a lower range of available angles.

Allowable Subject Matter

2. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 13, Colonna et al and Courtecuisse et al further discloses the handset of Claim 10, wherein the cited prior art fails to further disclose:
a rotary encoder having a first encoder portion coupled to the first housing portion and a second encoder portion coupled to the second housing portion;
the rotary encoder having a standby mode electrical output when the first and second housing portions are in the standby angular configuration, the rotary encoder having a call mode electrical output when the first and second housing portions are in the call angular configuration, the rotary encoder having a first function electrical output when the first and second housing portions are in the first function angular configuration.

Regarding claim 14, Colonna et al further discloses the wireless communication device of Claim 13, a processor 106, wherein the cited prior art fails to further disclose: the standby mode electrical output of the rotary encoder coupled to the processor when the first and second housing portions are in the standby angular configuration, the call mode electrical output of the rotary encoder coupled to the processor when the first and second housing portions are in the call angular configuration, the first function electrical output of the rotary encoder coupled to the processor when the first and second housing portions are in the first function angular configuration.

Regarding independent claim 15, Colonna et al discloses a wireless

communication device operable in active and standby modes (col 3, lines 23-31), comprising:

a housing 202;

a flipable member 204 flipably coupled to the housing 202;

the cover detection sensor 112 senses a first active mode function output when the flipable member is positioned in a first position relative to the housing and the wireless communication device is not in the standby mode (col 3, line 60 -col 4, line 28) the detection sensor 112 senses a second active mode function output when the flipable member is positioned in a second position relative to the housing and the wireless communication device is not in the standby mode (col 5, line 25 - col 6, line 2).

Colonna et al fails to further disclose: a rotatable member rotatably coupled to the housing. Courtecuisse further discloses a rotatable member rotatably coupled to the housing (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element at a wider range of available angles for more access to more functions instead of opening/closing the flip cover at a lower range of available angles.

However, the cited prior art fails to further disclose:

a rotary encoder having a first encoder portion coupled to the rotatable member and a stationary encoder portion;

the rotary encoder encoding a first active mode function output when the rotatable

member is positioned in a first position relative to the housing and the wireless communication is not in the standby mode, the rotary encoder having second active mode function output when the rotatable member is positioned in a second position relative to the housing and the wireless communication device is not in the standby mode.

3. Claims 1-9/15-17 are allowable over the cited prior art.

4. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, Colonna et al (US 6,115,620) discloses a wireless communication handset 100 (fig. 3), comprising: a housing 202; a housing element 204 flipably coupled to the housing; a controller having a first active mode function output when the flip cover is in the first position (col 5, line 65 - col 6, line 2), the controller having a second active mode function output when the cover is in the second position (col 5, lines 25-40).Colonna et al fails to further disclose: a blade rotatable in a plane. Courtecuisse (FR 2,679,086) further discloses a housing element 28 rotatable in a plane (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element or any rotating blade/cover of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element or other design choices around a pivot point at a wider range of available angles for more access to more functions instead of opening/closing the flip cover at a lower range of available angles. Colonna et al and Courtecuisse fails to further disclose:a rotary encoder having a first encoder portion coupled to the blade and a stationary encoder

portion; the rotary encoder having a first active mode function when the blade is in the first position, the rotary encoder having second active mode function output when the blade is in the second position.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Lana Le

September 16, 2003

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